

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

SUNBELT RENTALS, INC.,

Plaintiff,

v.

Case No. 8:20-cv-1539-T-60AAS

MASONRY & CONSTRUCTION
SERVICES, INC., and LEVI
MONTOKA,

Defendants.

_____ /

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on the report of Amanda Arnold Sansone, United States Magistrate Judge, entered on December 17, 2020. (Doc. 18). Judge Sansone recommends that Plaintiff Sunbelt Rentals, Inc.'s motions seeking default judgment against Defendants Masonry & Construction Services, Inc. and Levi Montoya (Docs. 14; 16) be granted. Specifically, Judge Sansone recommends that a default judgment be entered in favor of Plaintiff and against Defendants for (1) unpaid principal of \$66,230.04; (2) service charges accrued through October 23, 2020 of \$13,803.94, and additional service charges accruing until the unpaid principal is collected; (3) prejudgment interest of \$4,080.62 accrued through October 23, 2020, and accruing through the date of judgment; (4) post-judgment interest under 28 U.S.C. § 1961(a); and (5) reasonable attorney's fees and costs in an amount to be determined by separate Order. No party has filed an objection, and the time to object has expired.

Under the Federal Magistrates Act, Congress vests Article III judges with the power to “designate a magistrate judge to hear and determine any pretrial matter pending before the court,” subject to various exceptions. 28 U.S.C. § 636(b)(1)(A). The Act further vests magistrate judges with the authority to submit proposed findings of fact and recommendations for disposition by an Article III judge. 28 U.S.C. § 636(b)(1); *Williams v. Wainwright*, 681 F.2d 932 (11th Cir. 1982).

In the absence of specific objections, there is no requirement that a district judge review the facts *de novo*. *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993). However, the district judge review legal conclusions *de novo*, even in the absence of an objection. *See Cooper-House v. S. Ry. Co.*, 37 F.2d 603, 604 (11th Cir. 1994); *Castro Bobadilla v. Reno*, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), *aff’d*, 28 F.3d 16 (11th Cir. 1994) (table). When no timely and specific objections are filed, the district judge should review the magistrate judge’s proposed findings and recommendations using a clearly erroneous standard. *Se Gropp v. United Airlines, Inc.*, 817 F. Supp. 1558, 1562 (M.D. Fla. 1993).

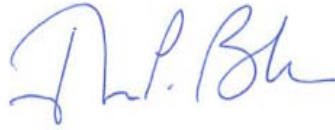
After careful consideration of the record, including Judge Sansone’s report and recommendation, the Court adopts the report and recommendation. The Court agrees with Judge Sansone’s detailed and well-reasoned findings and conclusions. Consequently, Plaintiff’s motions for default judgment will be granted.

It is therefore

ORDERED, ADJUDGED, and DECREED:

1. The report and recommendation (Doc. 18) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.
2. “Plaintiff’s Motion for Entry of Default Judgment as to Defendant Masonry & Construction Services, Inc.” (Doc. 14) is **GRANTED**.
3. “Plaintiff’s Motion for Entry of Default Judgment as to Defendant Levi Montoya” (Doc. 16) is **GRANTED**.
4. The Clerk is **DIRECTED** to enter final default judgment in favor of Plaintiff Sunbelt Rentals, Inc., and against Defendants Masonry & Construction Services, Inc., and Levy Montoya for (1) unpaid principal of \$66,230.04; (2) service charges accrued through October 23, 2020, of \$13,803.94, and additional service charges accruing until the unpaid principal is collected; (3) prejudgment interest of \$5,076.16 accrued through the date of the judgment, January 22, 2021; and (4) post-judgment interest under 28 U.S.C. § 1961(a).
5. Plaintiff Sunbelt Rentals, Inc. is further entitled to reasonable attorney’s fees and costs in an amount to be determined following a separate motion for fees and costs by Plaintiff. Plaintiff is directed to file any motion seeking attorney’s fees and costs on or before February 5, 2021.
6. After the entry of final judgment, the Clerk is directed to terminate any pending motions and deadlines, and thereafter close this case.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 22nd day of
January, 2021.



TOM BARBER
UNITED STATES DISTRICT JUDGE